

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WIGBERTO E. VIERA,

Plaintiff,

-against-

DEA SPECIAL AGENT TODD RILEY,

Defendant.

24-CV-1862 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in Bradford, Pennsylvania, proceeds in this matter *pro se* and *in forma pauperis*. By order dated May 14, 2024, the Court dismissed Plaintiff's complaint on immunity grounds, and granted him 30 days to replead his claims in an amended complaint. (ECF 7.) On June 25, 2024, Plaintiff filed a letter requesting an extension of time to file an amended complaint. (ECF 8.) The Court grants Plaintiff an extension of time of 45 days. Plaintiff must file an amended complaint within 45 days of the date of this order. If Plaintiff fails to file an amended complaint within the prescribed time, and cannot show good cause to excuse such failure, the Court will dismiss the action for the reasons stated in its May 14, 2024 order.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

Cf. Coppededge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 25, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge